REMARKS/ARGUMENTS

Claim 1 has been amended to overcome the claim objection thereto, in that the recited available cellular frequency channels in line three relate to the requested allocation of cellular frequency channels in line four.

Pending claims 1 and 24-27 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,625,877 (Dunn). Applicant respectfully traverses the rejection. As to claim 1, Dunn does not teach sniffing for available cellular frequency channels in a mobile station. In this regard, the Office Action refers to FIG. 4B, and more particularly block 330 which teaches searching for available air-link channels by a radio and master processor of a base station, not a mobile station. In this regard, the flow diagram of FIG. 3B is performed in master processor 105. Master processor 105 is not, however, a mobile station such as subscriber remote unit 101. That is, the transceiving station 102, channelized radio 103, packet router 104, and master microprocessor 105 of Dunn are a base station and not a mobile station. As such, claim 1 and the claims depending therefrom are patentable over Dunn.

As to dependent claim 25, Dunn nowhere teaches determining in a mobile station a number of channels for an allocation request based on a size of a file to be transmitted. Instead, while Dunn teaches that the SRU 101 is to send a request for aggregation of air-link channels for transmission of a file, any determination of the number of such channels is in master microprocessor 105 and not SRU 101. Dunn, col. 12, lns. 17-42. Accordingly, for this further reason dependent claim 25 is patentable. As to dependent claim 26, neither the cited portions nor anywhere else in Dunn teaches or suggests allocation of both cellular frequency channels and a short-range radio channel, as there is no teaching in Dunn whatsoever of short-range radio channels.

Pending claims 16-23 stand rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2002/0028655 (Rosener). Applicant respectfully traverses the rejection. In this regard, amended claim 16 recites that a mobile station is to calculate a number of cellular frequency channels to request from a base station. No such calculation is anywhere disclosed in Rosener. Accordingly, claim 16 and the claims depending therefrom are patentable over Rosener.

Pending claims 2-4 stand rejected under 35 U.S.C. §103(a) over Dunn in view of U.S. Patent No. 6,430,395 (Arazi). This rejection is improper at least for the same reasons discussed

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above regarding claim 1. Furthermore, all that Arazi teaches with regard to short-range communication between mobile station and base station is the transmission of sideband or parameter information, not data that is communicated over multiple cellular channels and the short-range channel, as recited by claim 2 Arazi, col. 16, lns. 50-67.
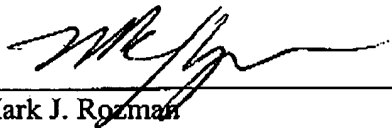
As to the §103(a) rejections of claims 2-7 and 9 over Dunn in view of Rosener, Applicant respectfully traverses. As to these claims, neither Rosener nor Dunn anywhere teach or suggest communication on a short-range radio channel between a mobile station and a base station. Instead, all that Rosener teaches is that short-range communications occur between repeaters within a vehicle and that RF (i.e., cellular) communications occur between the repeater and a base station. Thus there is no teaching or suggestion of communicating on a short-range radio channel between a mobile station and a base station. For this further reason, the rejection of claims 2-7 and 9 is overcome.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, Texas 77057-2631
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906

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